

CCR History for Unreject Functionality

CCR Tracking Number	Originating CLEC (Region)	CLEC Primary Contact Name	Interface Affecting	Status	Date Received
CCRAM 02-011	Choice One Midwest Region	Linda Peterman	Ordering (LEX, EDI) Midwest Region	Not Approved 7/10/03 Review in 7/2003	6/11/02
<p>CLEC Verbatim Description: Choice One, supported by multiple other CLECs, requests that functionality be added to LSOG5 (and above) to provide SBC with the capability of unrejecting Invalid System Rejects. Since CLECs must currently resolve such issues via resubmission of the effected orders manually, the impact to production, and therefore the CLEC's bottom line, is potentially enormous. In addition, ownership for resolution of these types of rejects should be on SBC, rather than on the CLEC.</p> <p>This functionality existed in prior LSOG versions and was omitted from LSOG5 with the stated premise that SBC would direct its efforts toward expeditiously resolving the related defect as opposed to "fixing" specific order issues. The reality is that the CLEC Community has not seen the promised speed to resolution.</p> <p>In addition, Performance Measure data is currently being (from the CLECs' perspective) adversely impacted. Invalid System Rejects are being "counted" as CLEC errors. This certainly brings the validity of Performance Measure Data into question.</p>					
SBC Response/Update:					
<p>7/3/03 – Change Management did receive the information from the CLEC on the DSL mailbox but was not able to access it. The LDMI representative indicated that the orders themselves were not sent to this mailbox, just the notification that orders had been created, the order numbers, etc. so the associated work group could do the work they needed to. This would more appropriately be addressed under the CCR02-088.</p>					
<p>Based on the outcome of all the research into this request, SBC still feels that its resources are better spent fixing rejects than re-programming systems to provide the unreject capability. SBC has explained the pitfalls of granting the unreject capability to service reps and the database errors that can result from its improper use. Change Management will show it as Not Approved in the July meeting.</p>					
<p>6/5/03 – Change Management reported that there is no workaround for the email issue. The CLECs asked again if the edits could be suspended or lifted. SBC had responded once before that they could not be because of the bad data that it would allow through and that SBC felt it was a much better use of its time to fix the rejects. Change Management asked if the number of invalid rejects was decreasing. The CLECs did not answer. They just said they wanted the edits lifted until the rejects are fixed. One of the CLECs asked if SBC could set up an "Invalid Reject Mailbox" to accept the emails like it had set up internally for Retail on DSL. A CLEC offered to send the address of this DSL mailbox to Change Management. Change Management agreed to follow up on this.</p>					
<p>5/15/03 – Change Management reminded everyone on the call of the discussion held during the CMP meeting on 5/8 concerning the excessive cost associated with utilizing email for a workaround here. The costs were for making SBC's systems capable of taking email and making it look like an LSR. Change Management agreed to check into whether there was a workaround for email. This will be discussed in the June meeting.</p>					
<p>5/2/03 – Updated will be provided at the May meeting.</p>					
<p>3/21/03 – See discussion documented in the action item log.</p>					

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<p>2/21/03 – This topic was discussed on the action item log. Please refer to Action Item #1 from 12/5/02 for the details of that discussion. 2/20/03 CMP Meeting - SBC stated that its track record for Version 5 is better and its track record for closing DRs is better with 5. In order to justify the expense of making a system modification, SBC has developed a report for invalid system rejects in 5. The LSC representatives have been trained to identify and capture this data. A DSS report will be produced and the results will be shared with CLECs over the next few CMP meetings. There was discussion regarding how the information would be tracked, whether a supp would be sent through manually, whether it would be sent with comments in the REMARKS field, and if it would be sent to a special fax number. AT&T expressed two concerns. The first, AT&T stated that SBC needs to re-assess its decision to get rid of the process to unreject rejects in the Midwest region and not implementing this capability in SBC's other regions. AT&T stated that yesterday, it had 1,000 orders fall into this category. The alternative is to accept the rejected orders and process manually, which is not an efficient way to operate. The second concern raised by AT&T relates to how this situation is captured in the performance measures. SBC responded that AT&T's second concern has been escalated to Glen Sirles and it will be addressed outside of CMP. SBC stated that with respect to AT&T's first concern, that SBC prefers to fix the edit than to develop the capability to unreject. SBC will have to check on the details of the type of information that would be captured. ChoiceOne and CoreComm stated that this was not resolved in the six-month performance measure review. They were told by regulatory in the Midwest region that SBC was manually accounting for these. ChoiceOne stated that it was told by SBC that it was not aware of a mechanical way to capture the data, and it was originally escalated to the officer level. ChoiceOne stated that it is still SBC's error, but CLECs are having to do manual work to correct the problem. TalkAmerica asked if the information would be shown by CLECs so they can validate the information internally. AT&T stated that it would be helpful. SBC responded that it would most likely provide the information by CLECs if SBC creates a DSS. DCS asked how information on any work around would be captured. SBC responded that it would have to find out. SBC suggested that once the first report is produced, it can be reviewed and discussed. WorldCom stated that it sent a spreadsheet to its OSS Support Manager if the information would be helpful. WorldCom stated that it does not have a way to handle it manually.</p>					
<p>12/6/02 – Change Management reported that the SBC SMEs had met once on this but needed additional time to determine how large a project this would be. The SMEs will provide a response in the January meeting. Status will be changed to Pending.</p>					
<p>11/27/02 – This will be addressed at the December 5th meeting.</p>					
<p>11/7/02 – Barb Scheiderer from CoreComm asked several questions about this request. She asked when was the first notification made to the CLECs of this process change. Change Management responded that it was made in the first Change Management meeting prior to the April 20, 2002 POR release in Ameritech. She inquired how this was determined to be "best practice" from among all the SBC regions. Change Management replied that this capability never existed in any of the other regions and this was discussed in the Collaboratives and identified there as something that would not be carried past POR. She asked if there were any PMs that were affected. Change Management replied that they were unsure because PMs are not a part of this forum. CLECs felt that PMs 5 and 9 were affected. CoreComm wants back the ability to unreject auto-auto invalid rejects. Change Management has brought this request to the attention of Glen Sirles, VP-OSS. He has indicated that this would be such a massive effort that no other work could be done in a future release if this were taken on. CoreComm asked to be able to do email rather than faxes as the workaround to not being able to unreject. Change Management reported that Glen supports this completely. SBC must make some internal changes first, but is already looking at getting that done.</p>					

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7/11/02 – Change Management reported that the Collaboratives focused on unrejecting manual rejects, and this process is in place in all regions. SBC is concerned about how universal a problem this is. Any changes made to SBC systems could adversely impact some CLECs' own systems. It is major rework for SBC. The originator disagreed with Change Management's statements that unrejecting was discussed only for manual rejects in the Collaboratives. Change Management stated that this request would be deferred until April 2003 and SBC would begin looking at it again at that time.					
6/20/02 – Four CLECs said in the meeting that the DRs were not getting fixed fast enough and that they still struggled daily with the fallout caused by the invalid system rejects. Change Management replied that the real solution to this problem is to fix the DRs faster, not diverting resources to re-code the unreject capability.					
6/13/02 – Change Management is investigating this request.					
6/11/02 – New CCR added to the log.					

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Application by SBC Communications Inc.,)	
Michigan Bell Telephone Company, and)	WC Docket No. 03-138
Southwestern Bell Communications Services, Inc.,)	
for Provision of In-Region, InterLATA)	
Services in Michigan)	

**SUPPLEMENTAL REPLY AFFIDAVIT OF JAMES D. EHR
REGARDING PERFORMANCE MEASUREMENTS**

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I, JAMES D. EHR, being of lawful age and duly sworn upon my oath, do hereby depose and state as follows:

1. My name is James D. Ehr. I am the same James D. Ehr who filed a supplemental affidavit ("Supplemental Ehr Michigan Affidavit") with the Federal Communications Commission ("FCC" or "Commission") on June 19, 2003 on behalf of Michigan Bell Telephone Company ("Michigan Bell") in Docket No. 03-138.¹

PURPOSE AND SCOPE OF AFFIDAVIT

2. The purpose of my affidavit is to respond to those points raised by AT&T regarding four discrete areas, which are discussed immediately below. Additionally, my reply affidavit demonstrates that, according to the reported performance data, Michigan Bell continues to provide CLECs with a meaningful opportunity to compete in the local exchange market.

AT&T'S PERFORMANCE MEASUREMENTS CRITICISMS SHOULD BE REJECTED

3. AT&T filed comments relating to SBC Midwest's PM 17 (Billing Completeness), SBC Southwest's PM 17.1 (Service Order Posting), SBC Midwest's provision of raw data to AT&T, and the subject of "materiality" insofar as it relates to the performance data restatements made by SBC Midwest. I respond to each of these comments below.

RESULTS FOR PM 17

4. In the Michigan 271 proceeding, AT&T asserts that Michigan Bell has refused to restate PM 17 results subsequent to the January ACIS/CABS database reconciliation, and has

¹ To the extent that my affidavit refers to "SBC Midwest," the term means the five state local exchange carrier operations of Michigan Bell and of Illinois Bell Telephone Company, Indiana Bell Telephone Company, Incorporated, The Ohio Bell Telephone Company, and Wisconsin Bell, Inc.

thus disguised the extent of its billing problems and avoided penalties for poor performance.²

5. As discussed in detail in the Joint Supplemental Affidavit of Justin W. Brown, Mark J. Cottrell and Michael E. Flynn (Supp. App. A, Tab, 2), during 2002 SBC worked a large number of service orders that fell out for handling in connection with the conversion of UNE-P billing to CABS. Service orders that posted late to CABS as part of that process were captured and reported in PM 17 results. Thus, the conversion effort impacted PM 17, as SBC Midwest indicated in its March 14 ex parte letter. *See Ex Parte* Letter, from Geoffrey M. Klineberg, Kellogg, Huber, Hansen, Todd & Evans, P.L.L.C., to Marlene H. Dortch, FCC, WC Docket No. 03-16 (Mar. 14, 2003). SBC Midwest's reported PM 17 results during the calendar year 2002 (missing parity 11 months in Michigan; 5 months in Wisconsin; 12 months in Illinois; 7 months in Indiana and 9 months in Ohio) clearly did not "disguise" the fact that it was experiencing significant problems in posting service orders to CABS in a timely manner.
6. Nor was SBC Midwest's decision to cancel the service orders in question intended to avoid performance measurement payments. Rather, it was part of the process of planning and completing the ACIS/CABS reconciliation in as efficient and comprehensive manner as possible. Moreover, it is not the case that SBC Midwest was not assessed performance measure remedies for missing PM 17. For example, in Michigan during 2002, it reached the cap provided for under the performance remedy plan in 10 out of the 12 months for AT&T on PM 17.

² Comments of AT&T Corp. at 29, *Application by SBC Communications Inc., et al., for Provision of In-Region, InterLATA Services in Michigan*, WC Docket 03-138 (FCC filed July 2, 2003) ("AT&T Comments"); Joint Declaration of Sarah DeYoung and Shannie Tavares ¶ 38, *attached to AT&T Comments* ("Joint DeYoung/Tavares Declaration").

PM 17.1 NEGOTIATIONS

7. AT&T also claims that SBC Midwest would not agree to its proposal that SBC Midwest implement the same PM 17.1 performance standard that SBC Southwest implemented in Texas. According to AT&T, this suggests that SBC Midwest's alleged billing system problems "may somehow be linked to ACIS and that these problems were not resolved by the ACIS-CABS reconciliation."³ AT&T's suggestion has no factual basis.
8. AT&T requested that SBC Midwest measure the period from Service Order Completion to the transmission of the Post To Bill Notice, and proposed SBC Southwest's PM 17.1 for that purpose. SBC Midwest explained that SBC Southwest's PM 17.1 does not measure that period. Despite this, in the billing measurement collaborative meetings SBC Midwest has negotiated in good faith with AT&T and other CLECs regarding implementation of a post-to-billing notification timeliness measure. In initial discussions, SBC Midwest indicated that it could not implement PM 17.1, as it was proposed by AT&T, because such a measure would be duplicative in some regards with PM 17, a measure which captures the same process with the exception of the actual delivery of the notification, and because of differences in SBC Midwest's service order completion and billing OSS architectures. Neither of these considerations is unusual in negotiating and attempting to reach agreement in the context of performance measurement collaboratives conducted pursuant to state commission-approved remedy plans. In any case, SBC Midwest clearly communicated its willingness to discuss a modified PM 17.1 and that commitment remains unaltered.

³ Joint DeYoung/Tavares Declaration ¶ 16.

PROVISION OF RAW DATA TO AT&T

9. AT&T resurrects the same criticisms of SBC Midwest's provision of raw performance data that it raised with respect to Michigan Bell's previous section 271 application (though no other CLEC raised a similar issue with respect to Michigan Bell's previous section 271 application, or has done so in the current proceeding).⁴ Michigan Bell has addressed these arguments and shown them to be unfounded.⁵ AT&T emphasizes now, however, that "all four digits are needed to determine whether SBC has applied the correct code" and that SBC has somehow conceded this point.⁶ But again, AT&T misunderstands SBC's position.
10. The third and fourth digits of an "05" trouble disposition code indicate the area of operations within Michigan Bell to which the trouble has been attributed. In the case of a code "05" ticket, Michigan Bell is responsible for the trouble and the instance is captured by the pertinent measurements. The responsible area of operations is of no concern to AT&T for purposes of PM result data reconciliation. Of course, where the trouble is coded to, for example, codes 11, 12 or 13, all of which troubles are excluded from the measurements, it may be fair for a CLEC to inquire about the third or fourth digits of the code, to the extent they describe further the basis for the performance measurement exclusion taken. That is the context in which Michigan Bell agreed "there would be

⁴ AT&T Comments at 56-58; Declaration of Karen W. Moore and Timothy M. Connolly ¶¶ 117-126, *attached to* AT&T Comments ("Moore/Connolly Declaration").

⁵ Affidavit of James D. Ehr ¶¶ 121, 132, *attached to* Reply Comments of SBC in Support of its Application to Provide In-Region, InterLATA Services in Michigan, *Application by SBC Communications Inc., et al., for Provision of In-Region, InterLATA Services in Michigan*, WC Docket 03-16 (FCC filed Mar. 4, 2003) (Reply App., Tab 8) ("Michigan I Ehr Reply Affidavit"); *Ex Parte* Letter, from Geoffrey M. Klineberg, Kellogg, Huber, Hansen, Todd & Evans, P.L.L.C., to Marlene H. Dortch, FCC, WC Docket No. 03-16 (Mar. 17, 2003), Attachment A at 2-4.

⁶ AT&T Comments at 57.

merit in reconciling the information contained in the full disposition code [with AT&T] for troubles coded to the 11, 12 and 13 [disposition code] series.’”⁷

11. In any event, AT&T’s criticisms about this subject, as well as its generalized criticisms about ready access to raw data, have been overshadowed by the availability of raw data on SBC Midwest’s raw data website. AT&T has apparently abandoned its claim that it has had difficulties accessing or navigating the site, as it makes no comments regarding the subject in its comments. Regardless of whether AT&T has now gained sufficient familiarity with the site or SBC Midwest’s experience in administering it has improved in light of experience, AT&T’s complaint is thus reduced to the mere fact that the site does not yet contain data for “all” the measures.⁸ That should not trouble the Commission. Though the site is not even required by any SBC Midwest performance remedy plan, SBC Midwest erected it, has made great strides in implementing it efficiently, and AT&T does not complain of its usefulness. Any remaining concerns can be directed to the state commissions that approved SBC Midwest’s performance remedy plans.

SBC MIDWEST’S RESTATEMENT GUIDELINES

12. AT&T claims that SBC Midwest changed the standard of materiality it advanced in the Michigan I proceedings regarding restatements of its performance measurements, and further, that the standard is flawed in any event.⁹ These claims should be rejected.
13. Under SBC Midwest’s restatement guidelines, the decision whether or not to restate previously published monthly performance results generally depends upon the materiality

⁷ AT&T Comments at 57-58 (quoting Supplemental Affidavit of James D. Ehr ¶ 197 in Support of *Application by SBC Communications Inc., et al., for Provision of In-Region, InterLATA Services in Michigan*, WC Docket 03-138 (FCC filed June 19, 2003) (Supp. App. A, Tab 4) (“Supplemental Michigan Ehr Affidavit”)).

⁸ AT&T Comments at 58.

⁹ AT&T Comments at 50-51; Moore/Connolly Declaration ¶¶ 58-68.

of the potential restatement. An assessment of materiality is based on whether the recalculated data would result (a) in a shift in the performance in the aggregate from a “make” to a “miss” condition or (b) in a further degradation of reported performance of more than 5% for measures that are in a “miss” condition, provided there are at least 100 CLEC transactions in the sub-metric.¹⁰

14. AT&T confuses these guidelines with the standard SBC Midwest utilized to analyze prior restatements that were at issue in the BearingPoint audit. In particular, AT&T wrongly suggests that paragraph 49 of my Michigan I Reply Affidavit indicates that SBC Midwest has changed its restatement guidelines. According to AT&T, “SBC stated that an assessment of whether an error in reported data is material and, therefore, worthy of restatement, ‘is determined by the individual submeasure results moving from a) ‘pass’ to ‘fail’; b) ‘fail’ to ‘pass’; c) indeterminate/no data (no test possible) to ‘fail’; or d) ‘fail’ to indeterminate/no data.’”¹¹ In fact, no such “statement” was made. The Table 5 footer within paragraph 49 of the affidavit makes clear that the materiality criteria employed there merely contributed to the analysis of restatements already made, relative to BearingPoint’s Exception 20,¹² and was not to advance criteria for determining whether previously reported performance data might be “worthy of restatement.” The SBC Midwest performance measurement restatement guidelines, developed in 2002, were adopted without reliance upon the criteria used in the BearingPoint test context. AT&T

¹⁰ SBC Midwest’s restatement guidelines are published on the SBC CLEC website at <https://clec.sbc.com/clec> as an addendum to SBC Midwest’s Performance Measurements Internal Change Management Policy, Procedures and Guidelines.

¹¹ Moore/Connolly Declaration ¶ 59 (quoting Michigan I Ehr Reply Affidavit ¶ 49).

¹² Michigan I Ehr Reply Affidavit ¶ 49.

thus is incorrect in its contention that SBC Midwest changed its criteria for determining whether performance measurement results should be restated.

**MICHIGAN BELL'S PERFORMANCE MEASUREMENTS RESULTS
DEMONSTRATE CONTINUED COMPLIANCE WITH THE CHECKLIST ITEMS**

15. Michigan Bell's performance results demonstrate that the CLECs continue to receive nondiscriminatory access to network elements and interconnection services. Indeed, no commenter in this proceeding has challenged the empirical performance data submitted in support of Michigan Bell's wholesale performance.
16. According to the reported data, Michigan Bell's performance met or surpassed the applicable performance standard for 93.3% (347 of 372) of all performance measures having ten or more data points in at least two of the last three months from March through May 2003. Michigan Bell provided parity service to CLECs or met the benchmark for 93.5% (215 of 230) of Tier 2 measures and 94.0% (284 of 302) of Tier 1 and/or Tier 2 measures in at least two of the last three months.¹³
17. Even apart from this high overall performance, Michigan Bell has maintained high performance levels within the checklist item categories. As seen in the following table, Michigan Bell continues to achieve a high level of performance for those measurements corresponding to the relevant checklist items.

¹³ Michigan Bell's reported CLEC-aggregate performance measurement results for the three-month period from March through May 2003 were included in the *Ex Parte* Letter, from Geoffrey M. Klineberg, Kellogg, Huber, Hansen, Todd & Evans, P.L.L.C., to Marlene H. Dortch, FCC, WC Docket No. 03-138 (June 25, 2003).

Table 1 Comparative Performance Results (Percent Met In At Least Two of the Last Three Months)		
Checklist Item Number	September – Nov. 2002 (Initial Ehr Michigan I Affidavit) (App. A, Tab 9)	March – May 2003
(i) - <i>Interconnection</i>	90.9%	100%
(ii) - <i>Access to Network Elements</i>	87.1%	91.6%
(iii) - <i>Poles, Ducts Conduits and Rights of Way</i>	n/a	n/a
(iv) - <i>Unbundled Local Loops</i>	94.3%	95.2%
(v) - <i>Unbundled Local Transport</i>	100%	100%
(vii) - <i>911, E-911, Directory Assistance, and Operator Services</i>	100%	100%
(ix) - <i>Access to Telephone Numbers</i>	n/a %	n/a
(xi) - <i>Number Portability</i>	96.0%	95.7%
(xiv) - <i>Resale</i>	92.9%	93.8%

18. Additionally, Michigan Bell met or exceeded the applicable performance standard for 87.9% of its pre-ordering and ordering measurements in at least two of the last three months. Michigan Bell also met or exceeded the standard for the vast majority of the measurements capturing the two functions most visible to the consumer – 94.1% for provisioning activities, and 97.7% for maintenance activities. In sum, Michigan CLECs continue to receive outstanding wholesale service from Michigan Bell.
19. The performance data provided with my June 19, 2003 supplemental affidavit encompassed the period from February through April 2003. As noted above, performance results for May have been reported since. In the following section of my affidavit, I discuss generally the results for those measures not discussed previously

where such results are short of the applicable parity or benchmark performance standard.¹⁴

MICHIGAN BELL PROVIDES LOOP MAKE-UP INFORMATION PROMPTLY

20. Results for PM 2-42 (Percent Responses Received Within "X" Seconds – Actual LMU Information Requested (5 or less loops searched) - % in 30 seconds) improved in May to 94.04% (just shy of the 95% benchmark). However, results for PM 2-43 (Percent Responses Received Within "X" Seconds – Actual LMU Information Requested (greater than 5 loops searched) - % in 60 seconds) missed the 95% benchmark in both April and

¹⁴ Many of the measures for which Michigan Bell was unable to meet the applicable performance standard in at least three of the four months concluding with May 2003 were discussed in my earlier affidavit filed in this proceeding, as indicated by the citations below. Analysis of May performance data indicates items worthy of note regarding them. See *supra* note 13 (memorializing the filing of March through May data in the record of this proceeding attached to the June 25, 2003 *Ex Parte* Letter). For example, performance for PM 2-42 (Percent Responses Received Within "X" Seconds – Actual LMU Information Requested (5 or less loops searched) - % in 30 seconds) greatly improved in May, missing the 95% benchmark by less than a percentage point. Supplemental Michigan Ehr Affidavit ¶ 18. Results for PM 5-32 (Percent Firm Order Confirmations (FOCs) Returned Within "X" Hours – Manually Submitted Request – Complex Business (1-200 Lines) met the benchmark in May (95.24% vs. 94% benchmark). *Id.* ¶ 22. As of April, PM 10.1 (Percent Mechanized Rejects Returned Within One Hour of Receipt of Order), PM 10.2 (% Manual Rejects Received Electronically & Returned w/in 5 Hrs) and PM 10.3 (% Manual Rejects Received Manually & Returned w/in 5 Hrs) were eliminated. *Id.* ¶ 25 & n. 14. Despite small volumes relative to flow through as a whole, performance for PM 13-02 (Order Process Percent Flow Through – Resale) improved to 90.75% in May, the highest level in three months. *Id.* ¶ 29. Similarly, performance for PM 13-03 (Order Process Percent Flow Through – UNE-P) improved to 96.72% in May, the highest level in four months. *Id.* ¶ 28. Michigan Bell met the parity standard in both April and May for PM 13-04 (Order Process Percent Flow Through – LNP). *Id.* Results for PM 28-04 (Percent POTS Installations Completed Within the Customer Requested Due Date – Business – No Field Work) remained stable in May (at 90.81%) although short of the 97% benchmark, while the almost complete absence of missed due dates remained the case (only 8 among 406 orders in May), according to the results for PM 29-04 (Percent SBC/Ameritech Caused Missed Due Dates – POTS – Business – No Field Work). *Id.* ¶ 165. Michigan Bell achieved parity in both April and May for PM 35-02 (Percent Trouble Reports Within 30 Days (I-30) of Installation – POTS Resale – Residence – No Field Work). *Id.* ¶ 167. May performance for PM 35-03 (Percent Trouble Reports Within 30 Days (I-30) of Installation – POTS Resale – Business – Field Work) remained fairly constant relative to prior months, while results were again marked by very few trouble reports (15). *Id.* ¶ 168. Likewise, May results (of 1.08 troubles per 100 lines) for PM 37-04 (Trouble Report Rate – UNE-P Business) virtually mirrored results (of 1.06) in April. *Id.* ¶ 129. Michigan Bell met parity for PM 54.1-02 (Trouble Report Rate Net of Installation and Repeat reports – Resold Specials – DS1) in May, *id.* ¶ 179, along with PM 55-12 (Average Installation Interval – DSL – Line Sharing – Without Conditioning, *id.* ¶ 64. It also met the 96.5% benchmark in both April and May for PM 92-01 (Percentage of Time the Old Service Provider Releases the Subscription Prior to the Expiration of the Second 9-Hour (T2) Timer). *Id.* ¶ 156. May results for PM 114-01 (Percent Premature Disconnects – LNP with Loop - FDT) were the best in the last four months, and met the 2% benchmark. *Id.* ¶ 137. Michigan Bell met the 5% benchmark in May for PM MI 2-16 (Percent of Orders Given Jeopardy Notices Within 24 Hours of the Due Date – UNE-P – NFW). *Id.* n.21. Performance for PM MI 12-01 (Average Time to Clear Service Order Errors – Resale) continued its improving month-over-month trend in May and fell short of parity by only about one-half of a day. *Id.* n.22.

May. Despite the statistical shortfalls, CLECs still received their Actual LMU Information relatively promptly; on average, CLECs received Actual LMU Information (greater than 5 loops) in approximately 54 seconds in April and approximately 55 seconds in May, both under the PM 2-43 benchmark of 60 seconds. Moreover, requests captured by this measurement comprise less than 15% of all Actual LMU Information requests in Michigan (according to May data). Given such low volumes, if one were to assume a base of requests of, for example, 200 (actual data reflect 201 transactions in April), just 11 requests returned outside the 60-second interval would cause a failure to meet the benchmark. In light of the averages and relative volumes noted above, the data suggest that Michigan CLECs receive prompt responses to their Actual LMU Information requests.¹⁵

MICHIGAN BELL'S FOC TIMELINESS PERFORMANCE HAS BEEN STRONG

21. Michigan Bell's performance in providing timely Firm Order Confirmations ("FOCs") has been strong. Among the 812,597 FOCs returned to CLECs over the four months from February through May 2003, Michigan Bell returned 97.05% of those FOCs within the specified benchmark standard.
22. Results for PM 5-14 (Percent Firm Order Confirmations (FOCs) Returned Within 5 Business Hours – Elec Sub Req – Man Prcsd – UNE-P Simple Res & Bus – Manually Processed), however, indicate that Michigan Bell did not meet or exceed the 95% benchmark in three of the last four months.¹⁶ While Michigan Bell met the standard in April, performance for May again did not meet the benchmark. The reason for this

¹⁵ Nonetheless, SBC Midwest has established an internal work team to identify ways in which to reduce response times. This team is reviewing all key aspects of the transaction flow for Actual LMU Information requests.

¹⁶ Performance for February and March was discussed in my earlier affidavit. Supplemental Michigan Ehr Affidavit ¶ 23.

underperformance has been traced to the introduction of a new desktop tool to all service representatives manually processing UNE-P orders. This tool was designed to improve the quality of UNE-P FOCs generated by new service representatives. However, it had the unforeseen effect of increasing required manual activity on these manual FOCs, and negatively impacted productivity. Upon identification of the impact, the tool was removed and redeployed only to those service representatives it is needed for. As a result, May performance was negatively impacted. Moving forward, the tool will be used as a training device to improve the performance of service representatives experiencing problems with accurate UNE-P service order entry.

FLOW THROUGH PERFORMANCE REMAINS STRONG

23. Michigan Bell's performance for PM 13-05 (Order Process Percent Flow Through-LSNP) met the parity standard in February and March, but fell short in April and May. However, the shortfalls do not detract from overall high levels of performance, both with respect to LSNP and to all orders. Michigan Bell's performance for PM 13-05 averaged a strong 94.0% during the February – May period. Moreover, the overall flow through rate for all type of CLEC orders has been a robust 95.7% over the same four-month period. Given these performance levels, the disparities in April and May for PM 13-05 do not warrant a finding of noncompliance with checklist item (ii). Nonetheless, Michigan Bell has determined that lower performance in April and May is attributable to a time out problem with a transaction used to obtain a loop service order number needed for processing the loop portion of the LSNP request. When a transaction response was not received within the specified timeframe, the request was routed for manual handling to ensure that the LSNP request was processed. The condition that caused the drop to

manual condition was identified and was resolved by a May 21, 2003 maintenance release.

PERFORMANCE FOR DUE DATES MISSED BECAUSE OF LACK OF FACILITIES IS MARKED BY THE SMALL NUMBER OF CLEC ORDERS

24. Michigan Bell failed to achieve parity in March and May for PM 30-02 (Percent SBC/Ameritech Missed Due Dates Due To Lack Of Facilities - POTS - Bus), but results for this measure indicate a small base of orders. Michigan CLECs encountered just four missed due dates resulting from a lack of facilities in March and just seven in May. Michigan Bell would have achieved parity in both months had just one fewer miss occurred in March and had just four fewer misses occurred in May.¹⁷
25. Michigan Bell met the parity standard for PM 30-04 (Percent SBC/Ameritech Missed Due Dates Due To Lack Of Facilities – UNE-P - Bus - all missed orders) in February and March, but not in April and May. However, Michigan Bell would have achieved parity in both months had there had been just seven fewer facilities-related missed due dates in April and five fewer facilities-related missed due dates in May. Moreover, across the period from February through May as a whole, results for PM 30-04 show that the percentage of facilities-related missed due dates was only slightly higher for Michigan CLECs (2.74%) than for Michigan Bell's retail operations (1.62%).

CLECS RECEIVE THE VAST MAJORITY OF THEIR INSTALLATIONS WITHIN THE EXPECTED TIME FRAME

26. After having bested the three-day benchmark in February and March for PM 55-01.1 (Average Installation Interval - UNE - 2 Wire Analog (1-10 days)), Michigan Bell failed

¹⁷ In addition, none of these installation delays exceeded thirty days. As a consequence, Michigan Bell achieved parity for both PM 30-02.1 (Percent Ameritech Missed Due Dates Due to Lack Of facilities – POTS – Business – > 30 Days) and PM 30-02.2 (Percent Ameritech Missed Due Dates Due to Lack Of facilities – POTS – Business – > 90 Days) during each of the last four months.

to meet the benchmark in April and May. However, the disparities were slight (0.32 days in April; 0.02 days in May). Additionally, over the last four months as a whole, the average installation interval for CLECs was just 3.05 days, barely beyond the three-day benchmark. The difference of only one-twentieth of a day was likely not a significant impediment to competition. Moreover, the data for PM 56-01.1 (Percent Installations Completed Within the Customer Requested Due Date – 2 Wire Analog Loops – (1-10 Loops)) show that only 0.27% of CLECs' 2 wire analog loop orders were affected by missed due dates over the last four months. This timely performance puts the performance for PM 55-01.1 into better perspective.

27. Michigan Bell met the three-day benchmark for PM 55-02.1 (Average Installation Interval - UNE - Digital (1-10 days)) in both March and April, but not in February and May. However over the last four months, the average installation interval was just 3.21 days, only marginally beyond the benchmark. Moreover, the data for PM 56-02.1 (Percent Installations Completed Within the Customer Requested Due Date – UNE - Digital (1-10 Loops)) over the February – May period as a whole show that 98.80% of the CLECs' 2 wire analog loop orders were completed on time. As such, the performance shortfall for PM 55-02.1 should not be regarded as likely having had any adverse impact upon CLECs ability to compete.
28. While Michigan Bell has been unable to meet the 3-day benchmark for Michigan Bell met the three-day benchmark for PM 55-03 (Average Installation Interval - UNE - DS1 Loop (including PRI)), the installation interval results over the past four months concluding with May 2003 have averaged 4.18 days, exceeding the benchmark by just over one day. Notably, the data for PM 56-03 (Percent Installations Completed Within

the Customer Requested Due Date – UNE – DS1 Loop (Including PRI)) over the February – May period as a whole show Michigan Bell has met the 95% benchmark in each of the past four months, thus diminishing the shortfalls associated with PM 55-03. Moreover, results for PM 55-03 are impacted by available facilities issues that inhibit performance.¹⁸

THE INSTALLATION TROUBLE REPORT RATE REMAINS LOW

29. Almost 92% of the UNE-P business loops provisioned with field work for CLECs did not generate a single trouble report within the 30 days following installation over the last four months. Nonetheless, Michigan Bell was unable to achieve parity in February and May for PM 35-07 (Percent Trouble Reports Within 30 Days (I-30) of Installation - UNE-P Bus - FW). However, Michigan Bell would have achieved parity for PM 35-07 in both months had just four fewer I-30 reports occurred in February and had thirteen fewer occurred in May. Moreover, installation trouble report rates over the four-month period as a whole differed by less than two and one-half percentage points (8.22% for CLECs; 5.83% for Michigan Bell's retail business customers).

MICHIGAN BELL HAS TIMELY RETURNED MAINTENANCE TICKET COMPLETION NOTIFICATIONS

30. During the four months from February through May, Michigan Bell surpassed the 95% benchmark in April (95.77%) and May (97.11%) for PM MI 14-01 (Percent Completion Notifications Returned by the Next Day Following Completion of Maintenance of Trouble Tickets – Resale – Submitted Manually). Even beyond this strong performance

¹⁸ In the case of orders missed due to insufficient facilities whose due dates are captured by PM 55-01.1, 55-02.1 or PM 55-03, performance is measured against the appropriate facilities modification ("FMOD") performance measures, in addition to PM 55. These measures include C WI 1-01 (Average Delay in Original FOCs Due Dates Due to Delay Notices) (a diagnostic measure), and C WI 11 (FMOD Forms B, C, D, Percentage of Due Dates Met). Those results, where sufficient data are available, reflect no problematic issues.

during the most recent two months, Michigan Bell turned in high performance for February and March, though short of the benchmark. In February Michigan Bell returned within the next day 94.44% of completion notifications associated with manually submitted trouble tickets affecting CLECs' resold lines, only 0.56% short of the benchmark (340 of 360 completion notifications were returned within the next day). Michigan Bell missed the benchmark by requiring longer than the next day to return just two completion notifications. In March, Michigan Bell timely returned over 90% of completion notifications, though this performance too fell short of the benchmark (specifically, 90.36%, or 328 of 363 notifications). Michigan Bell would have met the benchmark had just 17 more completion notifications been timely sent. Thus, Michigan Bell fell short of the 95% benchmark in February and March of the past four months by a total of only 19 completion notifications that were not timely sent.

31. Michigan Bell met the 95% benchmark in March (96.35%) for the completion notifications reported in PM MI 14-04 (Percent Completion Notifications Returned within 2 Hours of Completion of Maintenance of Trouble Tickets – UNE Loops – Submitted Electronically). While it did not meet the benchmark in February, April, and May, performance remained well over 90%, the shortfalls were slight (reported performance was 92.77%, 94.74%, and 93.87% in February, April, and May, respectively), and the shortfalls rested on just eight reported completion notifications over the entire period. For example, in the most recent month (May), Michigan Bell would have met the benchmark had it returned within two hours just three more of the 261 completion notices reported (beyond the 245 reported that were timely sent). Similarly, in April, the reported results show that Michigan Bell returned 270 completion

notices within two hours; thus one more timely returned notice of the 285 reported would have allowed Michigan Bell to meet the benchmark. Finally, if just an additional four completion notices (beyond the 154 reported as timely sent) had been sent within two hours in February, Michigan Bell would have met the benchmark that month.¹⁹

32. Michigan Bell's performance for PM MI 14-05 (Percent Completion Notifications Returned by the Next Day Following Completion of Maintenance of Trouble Tickets – UNE-P – Submitted Manually) improved in April, and again in May (in which it met the 95% benchmark). Only slight shortfalls occurred in February and April.²⁰ Michigan Bell timely sent completion notices for 93.90% of CLECs' 4,149 manually submitted UNE-P trouble tickets in February and for 93.28% of CLECs' 5,816 trouble tickets in April. The performance shortfalls, therefore, were just 1.10% and 1.72%, in these respective months. Michigan Bell would have met the performance standard for PM MI 14-05 in three of the past four months had just 46 (beyond the 3,896) and 101 (beyond the 5,425) additional trouble ticket completion notices been timely sent in February and April, respectively.

¹⁹ Michigan Bell has identified that the results reported for PMs MI 14-02 (Percent Completion Notifications Returned within 2 Hours of Completion of Maintenance of Trouble Tickets – Resale – Submitted Electronically), MI 14-04 and MI 14-06 (Percent Completion Notifications Returned within 2 Hours of Completion of Maintenance of Trouble Tickets – UNE-P – Submitted Electronically) did not include all completion notices sent electronically. Investigation reflects that both the volumes and wholesale performance reported by these measures were understated. Preliminary June results (official results are to be reported the same date this reply affidavit is due to be filed) indicate that performance on the above-mentioned submeasures improved to 100% for PM MI 14-02 (compared to 94.23% reported in May), 99.81% for PM MI 14-04 (compared to 93.87% reported in May) and 99.95% for PM MI 14-06 (compared to 98.40% reported in May). Michigan Bell has also performed a preliminary recalculation of reported data for May so as to include the additional completion notices, with the following results: PM MI 14-02 – 98.35% versus 94.23% reported; PM MI 14-04 – 98.91% versus 93.87% reported; and PM MI 14-06 – 98.56% versus 98.40% reported.

²⁰ In March, Michigan Bell's performance fell 7.35% short of the benchmark. However, given the generally high levels of performance in three of the past four months, this result does not suggest any systemic issues.

**PERFORMANCE ON REMOVING PROTECTORS DOES NOT IMPACT
ASSESSMENT OF CHECKLIST COMPLIANCE**

33. During the four months since February 2003, Michigan Bell has not met the 3% benchmark for PM C WI 5-01 (Percentage of Protectors Not Moved After Technician Visit). Of the 363 CLEC calls to Michigan Bell requesting replacement of a protector with a NID over the February – May 2003 four month period combined, 57 (15.7%) were subsequent to a Michigan Bell technician being at the premise within 30 days prior. These 57 were distributed as follows: February – 9; March – 15; April – 22; and May – 11. Michigan Bell would have met the 3% benchmark for PM C WI 5-01 in each of the past four months if just seven additional protectors had been removed during a previous technician visit in February, thirteen in March, twenty in April, and only eight in May. The conversion of an additional 48 protectors to NIDs over the past four months combined is highly unlikely to have deprived any Michigan CLEC of a meaningful opportunity to compete.

**CLECS RECEIVE FORM B FOR DS1 LOOPS WITH TEST ACCESS IN A TIMELY
MANNER**

34. Michigan CLECs received Form B within 72 hours of Form A for all (100.00%) FMOD orders involving DS1 loops in March. Similarly, for 19 (95.00%) of the 20 FMOD orders involving DS1 loops in May, Michigan CLECs received Form B within 72 hours of Form A. Consequently, Michigan Bell met the 95% benchmark performance standard for PM C WI 7-01.6 (Percent Form B Received within 72 Hours of Form A – DS1 Loop with Test Access) in two of the past four months.
35. Moreover, only slight performance shortfalls were reported for PM C WI 7-01.6 in February and April. In February, Michigan CLECs received Form B within 72 hours of

Form A for 18 (94.74%) of the 19 FMOD orders involving DS1 loops. Finally, Form B was received within 72 hours of Form A for 11 of the 13 FMOD orders involving DS1 loops in April. The 95% benchmark performance standard for PM C WI 7-01.6 could only have been met in February and April if, in every instance, Form B had been received within 72 hours of Form A. Thus, Michigan Bell fell short of the performance standard by a single timely delivery of Form B in February and the timely delivery of an additional two Forms B in April. Over the four months ending in May combined, Form B was delivered to Michigan CLECs within 72 hours of Form A for 64 of the 68 FMOD orders involving DS1 loops. These four instances involving the delivery of Form B more than 72 hours subsequent to the receipt of Form A are unlikely to have dampened the competitive ability of any Michigan CLEC.²¹

MICHIGAN BELL'S PERFORMANCE ON LINE LOSS NOTIFICATION DELIVERY IS SOLID

36. Michigan Bell has delivered line loss notifications ("LLNs") in a timely manner.

According to the results for PM MI 13 (Percent Mechanized Line Loss Notifications

Returned Within One Day of Work Completion), Michigan Bell sent 98.47% of all LLNs

²¹ The affidavit of TDS Metrocom LLC's Rod Cox (at paragraph 9) claims that SBC Midwest's PM 14 (Billing Accuracy) does not adequately assess billing accuracy (borrowing language within paragraph 46 of his affidavit filed January 6, 2003 in connection with the Michigan I proceeding). See Affidavit of Rod Cox, attached to Comments of TDX Metrocom, LLC, Application by SBC Communications Inc., et al., for Provision of In-Region, InterLATA Services in Michigan, WC Docket 03-138 (FCC filed July 2, 2003). My reply affidavit filed on March 4, 2003 in connection with the Michigan I proceeding addressed Mr. Cox's claim. Michigan I Ehr Reply Affidavit ¶¶ 151-153. As was also discussed previously, the MPSC-approved business rules for Michigan Bell's performance measurements reflect the agreements reached among participants to the PM collaboratives, including TDS, regarding the definition for "projects." *Id.* ¶ 155; see also *Ex Parte* Letter, from Geoffrey M. Klineberg, Kellogg, Huber, Hansen, Todd & Evans, P.L.L.C., to Marlene H. Dortch, FCC, WC Docket No. 03-16 (Mar. 17, 2003), Attachment A at 10; *Ex Parte* Letter, from Geoffrey M. Klineberg, Kellogg, Huber, Hansen, Todd & Evans, P.L.L.C., to Marlene H. Dortch, FCC, WC Docket No. 03-16 (Mar. 24, 2003), Attachment at 16-17. To the best of my recollection, no party proposed changing the projects definition for any measures other than those I previously identified. To the extent that a CLEC may wish to propose such a change, the next PM collaborative affords a full and fair opportunity to do so.

within one business day over the three months from March through May 2003. In each of these months, the percentage sent within one business day exceeded 97.65%.

37. PM MI 13.1 (Average Delay Days for Mechanized Line Loss Notifications) and its submeasures assess the average time it took Michigan Bell to send those very few LLNs that were not sent within the one business day standard for PM MI 13. However, the average time to send those few late line loss notifications failed to meet the 4-day benchmark in each of the three months for each submeasure of PM MI 13.1 having data sufficient for analysis.
38. I earlier discussed the circumstances of the average delays associated with March and April.²² With respect to PM MI 13.1-03 (Average Delay Days for Mechanized Line Loss Notifications – CLEC-to-CLEC), a single LSR responsible for 821 LLNs being sent late in May required multiple service orders to provision all of the requested circuits. Four of these service orders were delayed from completing in a timely fashion. This resulted in all 821 LLNs being sent late (as a LLN is generated only after all service orders associated with a LSR are completed), and PM MI 13.1-03 identified 12 delay days for the 821 LLNs. Absent the delay days associated with these 821 LLNs, Michigan Bell's performance would have improved to 5.26 average delay days in May for PM MI 13.1-03.
39. With respect to PM MI 13.1-02 (Average Delay Days for Mechanized Line Loss Notifications – SBC Winback), analysis of the reported results identified that three of the 63 LLNs sent late had lengthy delays in May (119 days, 185 days and 246 days). Absent the delay days associated with these three LLNs, Michigan Bell would have met the 4-

²² Supplemental Michigan Ehr Affidavit ¶¶ 37-39.